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CAPITAL ONE BANK and
10 CAPITAL ONE SERVICES, INC..

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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14

15 DAVID J. LEE, an individual and, On Behalf of
All Others Similarly Situated,

16 Plaintiffs,

17 v.
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19 CAPITAL ONE BANK, CAPITAL ONE
SERVICES, INC. And DOES 1-100, inclusive,

20 Defendants.
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Case No. C-07-4599 MHP

CLASS ACTION

**STIPULATION TO EXTEND TIME
TO RESPOND TO COMPLAINT**

Hon. Marilyn H. Patel

Complaint filed: Sept. 5, 2007

1 WHEREAS, this action was filed on September 5, 2007;

2 WHEREAS, Defendants were served with the Complaint on or about September 19, 2007;

3 WHEREAS, Plaintiff has agreed that the time for Defendants to answer or file a motion to
4 dismiss in response to this Plaintiff's Complaint shall be extended to and including Thursday,
5 October 25, 2007, pursuant to Local Rule 6-1(a);

6 WHEREAS, Defendants' time to respond has not previously been extended, and;

7 WHEREAS, this Stipulation has been made in good faith and without purpose of delay;

8 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their
9 responsive counsel of record, that the time for the Defendants to either answer or file their
10 motions to dismiss in response to the Complaint shall be extended to and including Thursday,
11 October 25, 2007.

12 Defendants shall reserve all defenses to the Complaint, and may respond by either answer
13 or motion to dismiss; to the extent allowable by law.

14 Dated: October 4, 2007

MORRISON & FOERSTER LLP

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16 By: /s/ James R. McGuire
James R. McGuire

17 Attorneys for Defendants
18 CAPITAL ONE BANK and
CAPITAL ONE SERVICES, INC.

19 Dated: October 4, 2007

HALE & ASSOCIATES

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21 By: /s/ Matthew S. Hale
Matthew S. Hale

22 Attorneys for Plaintiff
23 DAVID J. LEE

24 I, James R. McGuire, am the ECF user whose ID and password are being used to file this
25 Stipulation To Extend Time To Respond To Complaint. I hereby attest that Matthew S. Hale has
26 concurred in this filing.
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